

HOUSE BILL 427

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By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 29, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Prisoner Litigation Act – Definition of**
3 **“Civil Action”**

4 FOR the purpose of altering the definition of “civil action” for purposes of the Prisoner
5 Litigation Act; and generally relating to the Prisoner Litigation Act.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 5–1001
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2009 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Courts and Judicial Proceedings**

14 5–1001.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) (1) “Administrative remedy” means any procedure for review of a
17 prisoner’s complaint or grievance, including judicial review, if available, that is
18 provided by the Department, the Division of Correction, or any county or other
19 municipality or political subdivision, and results in a written determination or
20 disposition.

21 (2) “Administrative remedy” includes a proceeding under Title 10,
22 Subtitle 2 of the State Government Article or Title 10, Subtitle 2 of the Correctional
23 Services Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) "Civil action" means a legal action seeking money damages,
2 injunctive relief, declaratory relief, or any appeal filed in any court in the State that
3 relates to or involves a prisoner's conditions of confinement.

4 (2) "Civil action" includes:

5 (i) An appeal of an administrative remedy to any court;

6 (ii) A petition for mandamus against the prisoner's custodian,
7 its officers or employees, or any official or employee of the Department;

8 (iii) Any tort claim against a custodian, the custodian's officers
9 or employees, or any employee or official of the Department;

10 (iv) Any action alleging a violation of civil rights against a
11 custodian, the custodian's officers and employees, or any official or employee of the
12 Department; [or]

13 (v) Any appeal, application for leave to appeal, or petition for
14 certiorari; **OR**

15 **(VI) ANY ACTION SEEKING JUDICIAL REVIEW OF THE DENIAL**
16 **OF AN APPLICATION TO INSPECT A PUBLIC RECORD.**

17 (3) "Civil action" does not include a postconviction petition or petition
18 for habeas corpus relief.

19 (d) "Conditions of confinement" means any circumstance, situation or event
20 that involves a prisoner's custody, transportation, incarceration, or supervision.

21 (e) "Custodian" means the institution or agency that has custody of the
22 prisoner.

23 (f) "Department" means the Department of Public Safety and Correctional
24 Services.

25 (g) (1) "Prisoner" means a person who is in the custody of the Department
26 or a local detention center.

27 (2) "Prisoner" includes pretrial detainees.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010.